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In The

Supreme Court of the United States

October Term, 1995

JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.
Appellant-Petitioner

v.

ALABAMA STATE BAR, President, James R. Seale, John Owens, Bronx Holmes, Reginald Hamer, Robert W. Norris, David Ellis, Jack Drake, John Henry England, Jr. and Richard Gill et al.

Appellees-Respondents

WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT

WRIT OF CERTIORARI

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61 pp

QUESTIONS PRESENTED

I. Whether the U.S. Court of Appeals, 11th circuit has failed to rule according to the U.S. Constitution, 5th and 14th amendments as to due process, liberty rights, and equal protection under the law and 42 U.S.C. § 1983 civil rights claims were triggered as well as 42 U.S.C. § 1985 claims as to gender discrimination and equal protection under the law, i.e. whether Asam's equal protection under the law, 42 U.S.C. § 1985 was violated when MALE evil-minded lawyers (opposing lawyers and/or lawyers for opponents in judgship campaigns, having gender animus because Dr, Asam was the first woman circuit judge candidate in Tuscaloosa County in 1992, and she was also in the judgship campaign as a woman circuit judge candidate in 1994. [No client made complaint to disbar Asam, only politically evil-minded lawyers [named defendants of this instant lawsuit, who were showing gender animus discriminated against Dr. Asam to put her out of business as a lawyer so she could not run as a circuit judge candidate again since she had been a threat to the male candidate when Asam received over 15,000 votes the first time she ran as circuit judge candidate [Asam was the first woman to run as circuit judge candidate in Tuscaloosa County, Alabama in

1992, and again in 1994], i.e. Did the U.S. Court of Appeals, 11th Circuit by wrongfully affirming the instant lawsuit violate the constitutional rights of Dr. Asam equal protection under the law because gender animus was clearly shown by all named defendants, including state of Alabama lawyer, Robert Norris, acting under color of state law as general counsel for the Alabama State Bar that is an arm of the Supreme Court of Alabama which is part of the Judiciary Department of the State of Alabama and the lower court Judge Thompson blocked all discovery so that the fact that Norris was orchestrating gender animus to discriminate against Dr. Asam, prompted by political motivation when Norris wrote in a letter dated April 18, 1994, "...I should caution you that this inquiry is confidential including our intent [Emphasis added.] to file a petition to place Ms. Asam on disability inactive status." and this statement by Norris was before Norris wrote his 5 formal fabricated complaints, not based on any original complaint, to have Dr. Asam disbarred as "mentally incompetent" without notice of surprised sanity hearing, without appointing an attorney for Asam, and without having a M.D. psychiatrist as expert witness at the Alabama State Bar Disciplinary

Hearing, Feb. 23,24, 1995, -- bottom line was a state actor,Robert Norris by showing gender animus with other evil-minded lawyers and judges [also state actors] discriminating against Dr. Asam, because she was a woman and Dr. Asam was the first woman to run as a circuit judge candidate in Tuscaloosa County, Alabama, in 1992, and she ran again as a circuit judge candidate in 1994, and thus, gender animus as discrimination against women. Women running as political candidates should be reviewed by the Supreme Court of the United States?

II. Whether the U.S. Court of Appeals, 11th circuit has failed to rule according to Rule 56 of the Federal Rules of Civil Procedure because Hon. Judge Thompson allowed no discovery by Dr. Asam but did allow the Alabama State Bar to make discovery, i.e. whether the Hon. Judge failure to allow discovery [see order staying discovery R 25, and order not lifting discovery, R74, and order denying Motion to Compel Mr. Robert Norris to produce the original complaints for which he made his false charges that Dr. Asam was "incompetent", R74, and order denying Motion to compel deposition of Mr. Robert Norris R 81] when summary judgment motions before the court is reversible error because Dr. Asam's due process rights in the courts were violated under the 5th and

14th amendments to the U.S. Constitution?

III. Whether the Alabama State Bar has violated the American for Disabilities Act by taking Dr. Asam's attorney's license pretending Dr. Asam was mentally incompetent prompted by political motivation i.e. Robert Norris, General Counsel, now resigned) for the Alabama State Bar knowingly was himself gender discriminating against Dr. Asam as later was proven by letter signed by Norris that Norris was himself participating in the gender discrimination with other lawyers, Ellis, Gill, Drake and others in pretending Dr. Asam was mentally incompetent to put her out of business as a lawyer because Dr. Asam ran as the first woman candidate for circuit judge in 1992 in Tuscaloosa County. i.e. Robert Norris of Alabama State Bar acting under color of state law, perpetrated a Bald face lie on the integrity of the judicial system since Dr. Asam has a B.S., M.S., Ph.D. and J.D. and it was criminal by Norris to pretend Dr. Asam was mentally incompetent as a reason to disbar her when the wrongful disbarment of Asam was prompted by political motivation and gender animus discrimination including the Alabama State Bar general counsel, Robert Norris, now resigned?

IV. Whether the Hon. Judge Thompson made judicial error in not allowing any discovery after the Hon. Judge was on

notice of gender discrimination of all-male defendants which are named in the style of this instant case, and these named male-lawyers were collectively persecuting Dr. Asam to cause her to lose her business as a lawyer,for example, Ellis who pretended Dr. Asam needed a guardian ad litem and had this falsehood printed in the Tuscaloosa News, and all his male lawyers' friends listed as defendants were either politically oriented to the opponent of Asam [Asam v. England judgship campaign] or opposing lawyers because Dr. Asam was on the political hit list by these male lawyers and judges because she was the first woman to run as circuit judge candidate in Tuscaloosa County, Alabama, in 1992. and again in 1994, and Robert Norris, was himself, as a state actor actively involved with gender animus in discriminating against Dr. Asam as was later found out in a letter signed by Norris.

V, Whether Hon. Judge Thompson, made reversible judicial error in ruling in favor of the defendants motions for suumary judgment when the elements of summary judgment were missing in the instant case since disputed facts as to whether Dr. Asam's civil rights had been violated and/or her equal protection under the law

with gender animus discrimination when the named defendants were persecuting Dr. Asam since she was the first woman candidate to run in a circuit judge political campaign in Tuscaloosa County in 1992 and again in 1994, and the said male-lawyers were members of the "machine", who determine who runs and who wins in political campaigns in Tuscaloosa County, and Judge Thompson failed to rule according to summary judgment law [see Argument], especially since there is no immunity for constitutional violations which are clearly shown in the instant case; therefore, Judge Thompson made gross judicial error in granting summary judgment because of disputed facts and Judge did not rule acccording to law. [See Argument].

VI. Whether the Hon. Judge Thompson prejudiced Dr. Asam and Hon. Judge made judicial error when judge did not allow Dr. Asam to conduct discovery but Alabama state Bar through Robert Norris was allowed to do discovery in R 58 and not charged with contempt, and because Dr. Asam was not allowed to do any discovery this was a violation of her equal protection of the law under the 14th amendment to U.S. Constitution.

VII. Whether the Alabama State Bar should be severed from the Supreme Court of Alabama to be held accountable for illegal

and unconstitutional acts that are unAmerican and in violation of the American for Disabilities Act in this instant case by the Alabama State Bar pretending Dr. Asam who has a Ph.D., and J.D. lack mental capacity when she has never been incompetent because lawyers, not clients, are falsely claiming Asam is incompetent to put her out of business as a lawyer because these particular lawyers are politically oriented to opponents of Asam, and/or opposing lawyers. One opposing lawyer, Robert Blair, was representing M. Norris, whom Asam had sued in representative capacity, and Robert Norris is the one who wrote the fabricated 5 formal complaints not based on probable cause pretending Dr. Asam was incompetent.

VIII. Whether the Hon. Judge Thompson made judicial error in dismissing England when Judge England was acting out of scope of his authority and Judge England had no jurisdiction as judge to be campaigning for judge in courtroom by orchestrating a judicial circus after the Asam v. Vreeland case was over to politlcally assasinate his opponent Asam when Judge England was prematurely campaigning in conspiracy in 1993 with Ellis for Asam v. England political campaign, which was already announced as

not until 1994 when both Ellis and England knew Asam would be running as candidate for circuit judge in the same judgship as England since it had previously been announced on TV that Asam would be a candidate for circuit judge in 1994, i.e. whether Judge England had any immunity to abuse his courtroom to run a judicial circus to campaign prematurely against Asam which was published in the Tuscaloosa News, Nov. 23, 1993.

IX. Whether named defendants had any type of immunity since all were involved in violation of the constitutional rights of Dr. Julia Asam as to gender animus discrimination under the 14th amendment to the U.S. Constitution and due process and liberty rights violations under the 5th and 14th amendments to the U.S. Constitution and see law that there is no immunity when constitutional violations in Reasons for granting Writ of Certiorari.

LIST OF PARTIES

The caption of the case contains the names of all parties.

STATEMENT REGARDING ORAL ARGUMENT AND REQUEST TO WRITE MERITS' BRIEF

Because of complexities, irregularities and numerous judicial errors made in the lower court, oral argument is requested so that the Honorable Justices can understand and ask questions.

The Appellant/Petitioner respectfully requests to write the Merits' Brief.

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WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT

WRIT OF CERTIORARI

OPINIONS BELOW

The Petitioner incorporates all statements which are stated in the Appendix as Opinions Below into this Writ of Certiorari.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C Section 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution provides in pertinent part:

AMENDMENT V

No person shall... be deprived of life, liberty, or property, without due process of law;...

AMENDMENT XIV. SECTION I

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL STATUTES

42 U.S.C. Section 1983

"Every person who, under color of any statute, ordinance, regulation, custom, usage, or any State or Territory, subjects, or causes to be subjected, any citizen of

the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities acccured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

28 U.S.C. Section 1343(3)

"3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usuage, or any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 U.S.C. Section 2108

"The Supreme Court of any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree or order of court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

STATEMENT OF THE CASE

I. STATEMENT OF THE FACTS

The instant case is prompted by political motivation of evil-minded male lawyers who were either opposing lawyers and/or lawyers representing or supporting political opponents of Dr. Asam in her judgship campaigns including the fact Dr. Asam was the first woman to run as a circuit judge candidate in 1992 in Tuscaloosa County, and again in 1994. However, it was also discovered that the General Counsel of the Alabama State Bar, Robert Norris was actively himself involved in illegally disbarring Dr. Asam prompted by political motivation since Norris used two political cases as a basis for fabricating trumped-up charges of alleged professional misconduct based on no probable cause when Norris wrote his five (5) formal complaints stating that Dr. Asam was incompetent and because she is incompetent this is misconduct for disbarment. Mr. Norris conducted a trial Feb. 23,24, as prosecutor for the Disciplinary Board where he had Dr. Asam guilty before the trial as mentally incompetent and Norris gave no notice of surprise sanity hearing, provided no appointed attorney for Asam, and failed to have an expert wtiness as a M.D. Psychiatrist, and just a laymen Norris

knowingly was pretending Dr. Asam was mentally incompetent just to wrongfully disbar her by having his lawyer friends named defendants in this lawsuit including judges to pretend because of gender animus discrimination since Dr. Asam ran as a woman candidate for circuit judge as the first woman in 1992 to have her disbarred so that she could never run as a candidate for any office again.

The Alabama State Bar through Robert Norris refused to give Dr. Asam original complaints that the Alabama State Bar claims were used to write formal charges without probable cause since the ALABAMA STATE BAR FAILED to check out the truth and the Alabama State Bar has arbitrarily and capriciously violated the due process rights of Dr. Asam to have all the evidence against her as to who, and why, and what she has done in an alleged original complaint and not a laundered copy in the formal charges without probable cause against Asam.

One of the main issues in this federal case is that Dr. Asam's due process rights under the 5th and 14th amendments to the U.S. Constitution have been violated by the Alabama State Bar, through general counsel, Robert W. Norris, [now resigned], by Mr. Norris refusing to give original complaints

for all of the five (5) written formal charges wihout probable cause and containing unsubstantiated facts to discipline Dr. Asam based primarily on the political case, Asam v Vreeland and precipitated by the false statements made by Mr. Ellis under the direction of Judge England, [opposing 1994 candidate for the same judgship, place #2 for which Dr. Asam was also a candidate for the same judgship, place #2 in the 1994 Democratic primary in Tuscaloosa County, Alabama].

The Alabama State Bar was trying to persecute Dr. Asam based on lies from politlcal opponents and their lawyer supporters just because she was a woman running as a candidate for circuit judge.

Disbarment is not enough for evil-minded lawyers and judges, since Judge Wm. Ryan, wrote a bogus contempt to attempt to put Dr. Asam in jail which has lasted for over a year when Dr. Asam was not timely given notice to appear before an alleged hearing and there has been no hearing to justify civil contempt and the Order to arrest Asam just says contempt and has not been signed by a judge.

Also, Asam believes the head-on accident that she barely escaped death was staged to get rid of her and Asam did not realize it at the time since before the disbarment

allegations but accident at time she was being qualified as judge candidate again in 1994. Asam has permanent damage to her legs and other parts of her body but she did not die and the Alabama State Bar failed to postpone a hearing of the Disciplinary Board when she had a medical excuse as a direct result of the head-on addident, which is another violation by the Alabama State Bar of the Americans for Disability Act.

This gender animus by a group of rotten lawyers has mushroomed to point that it is no longer safe for Dr. Asam to live in Alabama where she was born in Tuscaloosa, Alabama because of terrorism acts such as bomb threats and chasing her on the highway and attempting to cause an accident by unknowned vehicles parked on the side of interstates trying to jump out in front of my car, which has happened more than once but because Asam is alert to this kind of activity or she would not have lived to write this Writ for Certiorari. Asam has been chased by different types of vehicles at different places in U.S. and some of these vehicles have attempted to cause an accident -- this is a new type of terrorism in U.S. Who is paying to have Asam followed in Alabama and other states?

Robert Norris is a retired general from the U.S. armed forces and conducted his Disciplinary hearing like a court martial and was already holding Asam guilty of being mentally incompetent without notice of a sanity hearing and without appointing an attorney and without a M.D. psychiatrist expert to declare Asam as mentally incompetent.

There is a related case now in the Supreme Court of the United States, 95-1895 which is a review of the Disciplinary Action 1940912 concerning the illegal removal from the official record of the Supreme Court of Alabama, a 26-page Answer with exhibits, proving Norris was writing 5 formal complaints not based on any alleged formal complaints from his evil-minded male lawyer friends, who showed gender animus and discriminated against Dr. Asam because she was the first woman circuit judge candidate in Tuscaloosa County in 1992, and had received over 15,000 votes, and ran as a circuit judge candidate again in 1994. These named defendants in this instant lawsuit, were determined that Dr. Asam was never to run again again as a candidate for any office because of their gender animus and membership in the "machine" known to ruin candidates in political campaigns. Anthony McLain, now general counsel of the Alabama State Bar

never has checked out the truth since McLain has acquiesced to the **Bald face lies** of Norris who is a crook for robbing Dr. Asam of her rights to practice law in Alabama because of **gender animus** discrimination because she was a woman and Norris wrongfully disbarred Asam because of Norris himself, participating in the gender animus which was prompted by political motivation of the named Defendants to get rid of Asam. Jack Drake offered Dr. Asam a bribe to get off the Asam v. Harwood, campaign in 1992 when Asam was the Democratic nominee. Asam did not accept his bribe. This was published in the Tuscaloosa News.

Hon. Judge Thompson by his failure to allow any discovery because of the wrongful disbarment, the situation has mushroomed into a number of lawsuits attempting to get to the bottom of the UnAmerican activities of the Alabama State Bar, now an arm of the Supreme Court of Alabama. [See Argument - Reasons for Writ for law]. The Alabama State Bar should be severed from the Supreme Court of Alabama so that the Alabama State Bar can be held accountable for the violation of the constitutional rights of Dr. Asam and other lawyers who have been wrongfully disbarred and/ or suspended because of politics.

II. PROCEEDINGS IN THE COURTS BELOW

This is a civil rights case 42 U.S.C. § 1983 and 42 U.S.C. § 1985 case as stated in the complaints filed on July 8, 1994. [R 1].

Four amendments were filed and allowed, but the fifth amendment was denied.

Numerous Motions to dismiss and/or summary judgment were filed. The Hon. Judge Thompson failed to rule according to law or the facts when he granted summary judgment, which was appealed to the U.S. Court of Appeals, 11th Circuit, and wrongfully affirmed. For details on rulings and opinions below see the Appendix which includes dates.

Hon. Judge Thompson failed to allow any discovery despite summary judgment was before the court thus Rule 56, Federal Rules of Civil Procedure was violated.

Dr. Asam had her due process rights violated in the U.S. District Court, Middle District of Alabama since the Hon. Judge Thompson would not allow her to do any discovery to obtain the original documents which Mr. Norris was refusing to produce before the Disciplinary Hearing so that Dr. Asam would not know exactly what she had been charged with, but in contradistinction, the Alabama State Bar was not held in contempt when made selective discovery which was a violation of the equal protection of the law suppose to protect Asam.

There was no hearing on any motions and the gender animus discrimination prompted by political motiviation was ignored by Hon. Judge Thompson.

The U.S. Court of Appeals, 11th Circuit case number is 95-6133.

The lower court number is CV 94-T-859N U.S. District Court, Middle District of Alabama.

REASONS FOR GRANTING WRIT OF CERTIORARI

1. QUESTIONS PRESENTED I, VII, AND VIII WILL BE DISDUSSED TOGETHER.

CONSTITUTIONAL RIGHTS AND FEDERAL STATUTES VIOLATIONS BY U.S. COURT OF APPEALS, 11TH CIRCUIT [95-6133] affirming the judicial errors of Hon. Judge Thompson, U.S. District court, Middle District of Alabama, [CV 94-T-859N].

First, U.S. Court of Appeals, 11th Circuit, by affirming the lower trial court has failed to rule according to the U.S. Constitution, 5th and 14th amendments as to due process, liberty rights, and equal protection under the law.

Second, the Alabama State Bar through its agent, Robert Norris, General Counsel, [now resigned] violated the civil rights [42 U.S.C. § 1983] and violated the equal protection under the law [42 U.S.C. § 1985]

because a state actor Norris and state judges England and Harwood as well as evil-minded lawyers [named defendants[who were acting as constructive state actors to deliberately and maliciously devastate the law practice of Dr, Asam because of political and gender animus discrimination against Dr. Asam. Norris used the Asam v. Harwood and Asam v. Vreeland case to write trumped-up alleged violation of professional misconduct in which Norris stated since Asam was incompetent and incompetence is misconduct, Mr. Norris wrongfully disbarred Dr. Asam in a surprised sanity hearing in which Norris of Alabama State Bar, which is arm of the Supreme Court of Alabama [Worley v. Alabama State Bar, 572 So. 2d 1239, 1242, (Ala. 1990)], Department of Judiciary of State of Alabama, clearly was acting under color of state law when Norris failed to notice Asam, she was to have a surprise sanity hearing under disguise of disciplinary hearing without Norris appointing an attorney and without Norris having an expert witness as a M.D. Psychiatrist to declare Dr. Asam as mentally incompetent. Hon. Judge Nelson, U.S. District Court, Northern District of Alabama in his opinion of case CV 96 -N-0589W, stated that reason Asam was disbarred was "mental incompetency".

[related wrongful disbarment case, since the Supreme Court of Alabama in an inside removal of confidential files, 26 -page Answer disappeared so that the Justice could deem the alleged charges against Asam as admitted because Justice Jones claimed he saw no answer in the official record, but in contradistinction p. 1421 of the record contained an index showing that the 26-page answer by Asam was R-1 of the exhibits and this was altering the record so that the Supreme Court affirmed the Disciplinary Board disbarring Asam as mentally incompetent, clearly, an illegal act by the Supreme Court of Alabama and now is on appeal in the U.S. Court of Appeals, 11th Circuit as 96-6596,] General CounselAlabama State Bar has tried to escape the fact it was a "SURPRISED SANITY HEARING" on Feb. 23,24, 1995, Disciplinary hearing, and the Disciplinary Board ruled that Asam would have to see a medical expert as to mental competency before she could be reinstated [Disbarment last for 5 years] and in the instant case is also age discrimination since Asam is now 65 years of age.

Asam incorporates all facts stated in this Petition including Questions Presented and Statement of Facts into this Reasons for Granting Writ of Certiorari.

All of Norris' formal charges were prompted by political, personal, and gender animus discriminatory motives since Norris was a friend of Richard Gill who was the one who reported 94-177 which Asam has never seen and Gill was the lawyer for Judge Bernard Harwood in the case Asam v. Harwood which was filed because Harwood was using foul play by claiming he was the "only" qualified candidate when Asam was the Democratic Nominee and Harwood was the Republican Nominee for the same judgship in 1992 when Dr. Asam was the first woman to be a circuit judge candidate in Tuscaloosa County, Alabama. Two of the cases were political cases that the Alabama State Bar used against Asam Asam v. Harwood, and Asam v. Vreeland, about a **SMEAR** letter, in which Vreeland wrote knowingly false statement that Dr. Asam was "completely and hopelessly unqualified". Richard Gill changed the word "unqualified" to "incompetent" and published the "incompetent" altered quote to the U.S. Court of Appeals, Eleventh Circuit, in his Appellee Brief for the Asam v. Harwood case.

Prompted by political motivation and gender animus discriminatory motive of Robert Norris from the Alabama State Bar had Dr. Asam disbarred as "mentally incompetent" without a fair trial and was working with opposing

lawyers of Asam and political opponents [judges] of Asam. See Midnight Sessions, Ltd. v. City of Philadelphia, 945 F. 2d 667,683 (3rd Cir.), cert denied, 112 S Ct. 1668 (1991); Bello v. Walker, 840 F. 2d 1124 (3rd Cir.), cert denied, 4488 U.S. 851 cert. denied, 488 U.S. 868 (1988); Marks v. City of Chesapeake, 883 F. 2d 308, 311 (4th Cir. 1989).

Norris, general counsel, [now resigned] for Alabama State Bar **REFUSED** to produce the original alleged grievance complaints before the Disciplinary Hearing which is a prima facie violation of the due process constitutional rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution. Hon. Judge Thompson failed to allow Dr. Asam to discover these original complaints and also Judge Thompson would not allow Dr. Asam to take Norris deposition. At the disciplinary Hearing Ms. Devereaux ordered Mr. Norris to produce the original complaints and mixed in this production a letter was found signed by Norris showing Norris, himself, was involved in gender animus discrimination against Asam [see p. of this petition for quote from Norris' letter].

See Jones v. Alabama State Docks, 443 So. 2d 902 at 903 (Ala. 1983), which states,

"Due process clause of state Constitution secures every citizen against arbitrary motion of action of those in authority and places him or her within protection of the law of the land. Const. Section 13.

See Velger v. Cawley, 525 F. 2d 334 (2nd Cir. (1975) on due process.

SeeMcClaryv. State, 429 So. 2d 1121. cert denied 104 S. Ct. 273, 464 U.S. 913, 78 L. Ed. 2d (1982), which held that although state may create strict liability offenses, power to do sois limited by constitutional command that no person can be deprived of life, liberty or property except by due process of law.

See U.S. v. Welden, 568 F. Supp. 516, affirmed in part, reversed in part, U.S. Satterfield, 743 F. 2d 827, on remand, U.S. Allison, 599 Supp. 958, cert. denied 105 S. Ct. 2362, three cases, 471 U.S. 1117, 86 L. Ed 2d 262, which held to meet requirements of "due process" and "equal protection" a statute must not subject an individual to arbitrary or uneven exercise of power, and further stated that Test of "due process" is essentially a test of fairness and reasonableness; furthermore, there must always be ascertainable standards.

Walker v. Bates, 23 F. 3d 652 (C.A.2 (N.Y.)1994 held once cause of action for constitutional violation accrues, nothing that state does subsequently can cut off section 1083 action. 42 U.S.C.A. section 1983.

See Federal Statutes 42 U.S.C. section 1983. "Every person who, under color of any statute, ordinance, regulation, custom, usage, or any state or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities accured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

See Book Section 1983 Litigation: Claims, Defenses, fees, M.A. Schwartz, John E. Kirklin, John Wiley & Sons, 1986 on p. 101, states, "Section 5.9 Tests to Determine State Action -- In general... The Court did state that,to find state action, two general requirements must be fulfilled. First, "the deprivation must be caused by the exercise of some right or privilege created by the state or by a person for whom the state is responsible. [See Lugar v. Edmondson Oil Co., 457 U.S. 922, 937, (1982).] Second, the defendant "must fairly be said to be a state actor. [See Lugar case]. "See Monroe v. Pape, 365 U.S. 267, 272 (1961 "The Two principles "collapse into each other when the claim of a constitutional deprivation is directed against a party whose official character is such as to lend the weight of the state to his decisions.

Isajewicz v. Bucks County Dept. of Communications, 851 F. Supp. 161, E.D. Pa 1994 held in order to succeed in section 1983 action, plaintiff must prove that conduct complained of was committed by person acting under color of state law and that conduct deprived plaintiff of right or privilege secured by Constitution or law of United States. 42 U.S.C.A. section 1983.

Carper v. Deland, 851 F. Supp. 1506, D. Utah 1994, held in order to prevail on section 1983 claims, plaintiff must show that defendant personally participated in alleged deprivation of protected rights.

Willington v. District of Columbia, 851 Supp. 1. D.D.C. 1994 held District of Columbia and its officials sued in their official capacities were "persons for purposes of section 1983. 42 U.S.C.A. section 1983.

Waltier v. New York Police Dept., 856 F. Supp. 196, S.D.N.Y., 1994, held under section 1983, plaintiffs are not required to exhaust administrative remedies. 42 U.S.C.A. section 1983.

Novak v. Cobb County-Knnedone Hospital Authority, 849 F. Supp. 1559, N.D. Ga 1994, held State court judge is state actor for purposes of federal civil rights statute. 42 U.S.C.A. section 1983.

Carroll v. Borough of State College, 854 F. Supp. 1184, M.D. Pa. 1994. To prevail on cause of motion under section 1983. Plaintiff

must prove that conduct of state actor deprived plaintiff of right, privilege, or immunity secured by federal constitution of law.

Julian v. New York City Transit Authority, 857 F. Supp. 242, E.D.N.Y. 1994, Section 1983 does not, in itself create substantive rights; to prevail, plaintiff must demonstrate violation of independent federal constitutional or statutory right. 42 U.S.C.A. section 1983.

See Paul v. Davis, 424 U.S. 645, 96 S Ct 1154, 47 L. Ed 366 (1976), held the civil rights act of 1871; (42 U.S.C.A., section 1983) does not create substantive rights, but provides express federal remedy against state officials for deprivation of rights established elsewhere in federal law. See Samuels v. District of Columbia, 770 F. 2d 184, C.A.D.C., 1983.

See Monell v. New York City Dept. of Soc. Serv.436 U.S. 68, 56 L. Ed 2d 611, 98 S ct 2018, which states,

Civil Rights section 12.5 -- inability for violations -- State-law immunities 11a, 11b. State law immunities do not override cause of action under 42 U.S.C.S. section 1983, which imposes civil liability on any person who deprives another of his federally protected rights."

This case of wrongful disbarment should be reversed created by gender animus discrimination including Norris, General Counsel, [now resigned[Alabama State Bar.

See DeStafney v. University of Alabama, 413 So. 2d 391 (Ala. 1981), at 395, which states, "Section 14 does not necessarily immunize State officers or agents from individual civil liablity." DeStafney case at p. 396 states,

... we find that no valid public policy will be served by immunizing from liability a public employee whose tortious conduct results in personal injury to another.

Constitutional violations of due process is an exception to immunity alleged by state officials. See Lesiter v. Alabama A&M University, 28 F 3d 1146 (11th Cir. 1994).

The following cases are important concerning the gender animus discrimination that existed between Norris, judges who were opponents, and evil-minded lawyers who had gender animus against Dr. Asam since she was the first woman circuit judge candidate in Tuscaloosa County in 1992.

See Crawford v. Houston, (1974, S.D. Tex) 386 F Supp. 187 which held that 42 U.S.C.S §1985 presents fact question. Therefore, the summary judgment should be reversed as to gender animus discrimination so that a jury can determine the facts.

See Chambers v. Onoha Girls Club (1986, DC Neb) 629 F Supp. 925.

"There are four elements that must be established in order to prove conspiracy:
(1) that Defendant's had agreement with at least one other person and participated or caused something to be done in furtherance of agreement. [Defedants named].
(2) that agreement was to deprive plaintiff of protected right [attorneys license of Asam]
(3) that defendant(s) were motivated by dislike or hateful attitude towards specific class of people and Plaintiff was a member of that class. [Gender animus against Dr. Asam].
(4) that conspiracy caused deprivation or injury to plaintiff." n 60 Requirement of Conspiracy, 42 USCS § 1985. [wrongful disbarment].

Dr. Asam has met all elements - see facts and questions Presented with facts.

See Santiago v. Philadelphia, (1977, ED Pa) 435 F. Supp. 136."Conspiracy in context of 42 U.S.C.S. § 1985(3) means co-conspirators must have agreed, at least tacitly, to commit acts which will deprive plaintiff of equal protection of law.

See Dickerson v.U.S. Steel Corp. (1977, Ed Pa) 439 F. Supp. 55. "Second most important element of cause of action under 42 U.S.C.S.

§ 1985 (3) after intent [Emphasis added.] [Also note p.ii this petition that Norris in his letter used word intent to place Asam on disability inactive status],

is proof of conspiracy; of party has potential to stop illegal activity but fails to act to do so, [Norris stated "our intent" and Norris was in position as general counsel of the Alabama State Bar to stop the illegal activity of the evil-minded lawyers showing gender animus and discrimination against Asam to have her wrongfully disbarred] then that party may be said to have impliedly conspired in such illegalities.

QUESTIONS, II,,IV.,VI,V. WILL BE DISCUSSED TOGETHER.

2. **NO DISCOVERY ALLOWED BY HON. JUDGE THOMPSON U.S. DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA, WHEN SUMMARY JUDGMENT MOTIONS.**

(1) Hon. Judge failed to rule according Rule 56, Federal Rules of Civil Procedure.

(2) Not allowing any discovery was a violation of due process of Dr. Asam since Norris had not produced the original complaints and in his fabricated formal complaints Norris was pretending Dr. Asam was incompetent under disguise of violation of alleged professional conduct.

Dr. Asam's right to have original complaints before a hearing was violated

when discovery was not allowed there was a violation of Dr. Asam's constitutional rights of due process under the 5th and 14th amendments to the U.S. Constitution.

(3) Hon. Judge Myron Thompson allowed no discovery after Judge was on Notice of gender animus discrimination of Asam prompted by political motivation.

See Celotex Corp. V. Catrett, 477 U.S. 317, 106 S Ct 2548 (1986) about discovery when summary judgment motion.

Hon. Judge Thompson has made gross judicial and reversible error by not allowing discovery.

The facts are incorporated from the Questions Presented and this Petition.

Hon. Judge Myron Thompson failed to rule according to law and facts.

Hon. Judge Thompson completely ignored the elements of summary judgment.

See Booth v. United Serv. Auto Assoc.

469 So. 2d 1281 (Ala. 1985)

which states,

"To grant summary judgment, trial court must find that there is no genuine issue of material fact and that movant is entitled to judgment as matter of law. Rules Civ. Proc. Rule 56."

3. QUESTION PRESENTED III IS DISCUSSED: HOWEVER, WHETHER THE AMERICANS FOR DISABILITY ACT APPLIES IN INSTANT CASE IS A CASE OF FIRST IMPRESSION.

The issue is whether the Alabama State Bar which is the arm of the Supreme Court of Alabama, part of the Department of the Judiciary of the State of Alabama can take the property rights of Dr. Asam to practice law due to the illegal activity of members of the "machine" and including Robert Norris, general counsel, of the Alabama State Bar, pretending Dr. Asam was mentally incompetent because of gender animus between judges and lawyers prompted by political motivation can have a hearing, [Disciplinary hearing, Feb.23, 24, 1885, and give no notice of sanity hearing, without appointing an attorney and without having a medical expert such as M.D. psychiatrist and no one of medical knowledge was present and Dr. Asam was disbarred as "mental incompetency according to an opinion written by Judge Nelson, in CV 96-N-0589 W even though the Alabama State Bar has pretended not a surprise sanity hearing. The Disciplinary Board did rule that Dr. Asam would have to see a medical expert to make a medical report on mental competency before

reinstatement which in the instant case would take 5 years since Asam was wrongfully disbarred, i.e.does the American for Disabilities Act include disabilities fabricated by a state agency who did not receive proper due process and hearing by the Alabama State Bar.

Discovery was not allowed by Hon. Judge Thompson to have explored more about the fabricated formal charges by Norris. However, later it was found out that the alleged original complaints were not related to Mr. Norris' formal charges of pretending Dr. Asam was incompetent and because she is incompetent this is misconduct to disbar.

Does American for Disabilities Act include compensation for victim's of a state agency, Alabama State Bar pretending a lawyer is mentally incompetent to put her out of business so that she may not obtain another job and then continuing to harass her which is beyond the scope of this lawsuit.

4. QUESTION IX. NO IMMUNITY BECAUSE OF THE CONSTITUTIONAL VIOLATIONS STATED IN THIS WRIT OF CERTIORARI

The Petitioner incorporates all facts in this Writ of Ceriorari concerning the constitutional violations of named defendants.

See Paxman v. Campbell, 612 F. 2d 848 (4th Cir. 1980),
which held that there is no immunity for an official "if he knew or reasonably should have known that the action he took within the sphere of official responsibility would violate the constitutional rights of the (person) affected..."

See Meeker v. Addison, 586 F. Supp. 216 (1983) which held an individual officer may be held liable for damages for conduct that has deprived a person of his constutional rights. By Norris taking the liberty rights of Asam in disbarring her as "mentally incompetent" is taking her liberty rights as well as violating her substantive due process as well as procedural due process since Norris failed to give notice of a surprised sanity hearing, failed to appoint an attorney when taking Asam's constitutional rights, and pretending she was mentally incompetent prompted by political motivation, and Norris failed to have an expert witness M.D. psychiatrist to declare Dr. Asam mentally incompetent.

CONCLUSION

For the above reasons, this Honorable Supreme Court of the United States should grant Writ of Certiorari.

Respectively submitted,

Julia McCain Lampkin Asam

Julia McCain Lampkin Asam, Ph.D.,J.D.
Pro Se, Attorney At Law
P.O. Box 591
Northport, Alabama 35476 August 12, 1996

APPENDIX A

IN THE U.S. COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 95-6133
Non-Argument Calendar
D.C. Docket No. CV 94-T 859 N
JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.
Plaintiff-Appellant
v.
ALABAMA STATE BAR, JAMES R. SEALE, President,
JOHN OWENS, ROBERT W. NORRIS,
REGINALD HAMNER, DAVID ELLIS, JACK DRAKE,
JOHN HENRY ENGLAND, JR., FICTITIOUS
DEFENDANT(S) 1-30
Defendants-Appellees.
Appeal from the U.S. District Court
for the Middle District of Alabama

Before TJOFLAT, Chief Judge, HATCHETT AND CARNES, Circuit Judges.
PER CURIAM:

ON PETITION(S) FOR REHEARING AND SUGGESTION(S) OF REHEARING EN BANC (Opinion _____, 11th Cir., 19 ___, ___F. 2d ___).

May 23, 1996

The Petition(s) for Rehearing are DENIED and no member of this panel nor other judge in regular active service on the Court having requested that the Court be polled on

rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Eleventh Circuit Rule 35-5), the Suggestion(s) of Rehearing En Banc are DENIED. ENTERED FOR THE COURT:

s/Carnes

United States Circuit Judge

APPENDIX B

IN THE U.S. COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 95-6133

Non-Argument Calendar

D.C. Docket No. CV 94-T 859 N

JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.

Plaintiff=Appellant

v.

ALABAMA STATE BAR, JAMES R. SEALE, President, JOHN OWENS, ROBERT W. NORRIS, REGINALD HAMNER, DAVID ELLIS, JACK DRAKE, JOHN HENRY ENGLAND, JR., FICTITIOUS DEFENDANT(S) 1-30

Defendants-Appellees.

Appeal from the U.S. District Court for the Middle District of Alabama

March 11, 1996

Before TJOFLAT, Chief Judge, HATCHETT AND CARNES, Circuit Judges.

PER CURIAM:

Julia Asam appeals from the district court's grant of summary judgment against her and in favor of all of the defendants she sued

in this 42 U.S.C. § 1983 and 1985 action. She complains not only about the district court's grant of summary judgment but also about various discovery orders. Having read the briefs and the pertinent parts of the record, we are convinced that the district court did not abuse its discretion in regard to any of the discovery issues, (false - no discovery allowed), that the entry of summary judgment was entirely proper (not based on disputed facts), and that the judgment is due to be affirmed.

Because none of the defendants appealed the district court's denial of the motions for sanctions and attorney fees, we have no occasion to review that decision.

AFFIRMED.

APPENDIX C

IN THE DISTRICT COURT OF THE U.S.
FOR MIDDLE DISTRICT OF
ALABAMA, NORTHERN

Case No. CV 94-T-859-N

Julia McCain Lampkin Asam
Plaintiff

v.

Alabama State Bar, et al.
Defendants

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER,

JUDGMENT, and DECREE of the court that:

(1) Defendant Jack Drake's motion to dismiss, filed on July 14, 1994, and treated as a motion for summary judgment; defendants Reginald Hamner's and Robert W. Norris's motion to dismiss or motion for summary judgment filed on July 27, 1994; defendant Alabama State Bar's motion to dismiss or motion for summary judgment, filed on July 27, 1994; defendant James R. Seale's motion to dismiss or motion for summary judgment, filed on July 27, 1994; defendant John Owens's motion to dismiss or motion for summary judgment, filed on July 27, 1994; defendant David Ellis's motion for dismiss, filed on July 29, 1994, and treated as a motion for summary judgment; defendant Judge John H. England, Jr.'s motion to dismiss, filed on August 16, 1994; defendant Bronx Holmes's motion to dismiss or motion for summary judgment, filed on August 29, 1994; and defendant Richard H. Gill's motion to strike, filed on September 9, 1994, and treated as a motion for summary judgment are granted as follows:

(a) Summary judgment is granted on the federal claims with prejudice; and

(b) Summary judgment is granted on the state claims without prejudice because the court declines to exercise supplemental jurisdiction;

2) Defendant Ellis's motion for summary judgment as to his death, filed on November 30, 1994, is denied as moot;

(3) All outstanding motions by plaintiff Julia McCain Lampkin Asam are denied; and

(4) The motions for sanctions, attorney's fees, and costs, filed by defendant Drake on July 14, 1994 and by defendants Alabama State Bar, James R. Seale, John Owens, Robert W. Norris, and Reginald Hamner on July 27, 1994, are denied except as to costs.

It is further ORDERED that costs are taxed against plaintiff for which execution may issue.

DONE, this the 3rd day of February, 1995.

s/ Myron Thompson

United States District Judge

APPENDIX D

IN THE DISTRICT COURT OF THE U.S.

FOR MIDDLE DISTRICT OF

ALABAMA, NORTHERN

Case No. CV 94-T-859 N

Julia McCain Lampkin Asam

Plaintiff

v,

Alabama State Bar, et al.

Defendants

MEMORANDUM OPINION

Plaintiff Julia McCain Lampkin Asam charges in this lawsuit that the defendants --Alabama State Bar, three State Bar

presidents, James R. Seale, John Owens, and Bronx Holmes, general counsel for the Bar, Robert W. Norris, [now resigned SINCE 1995), Secretary of the Bar, Reginald Hamner, Tuscaloosa County Circuit Judge John H. England, Jr., David Ellis, Jack Drake, and Richard H. Gill -- have violated her rights under 42 U.S.C.A. § 1985 (West 1994) and the first, fifth, and fourteenth amendments to the United States Constitution, as enforced by 42 U.S.C.A § 1983 (West 1994).[1] Asam contends that the Alabama State Bar filed false charges of incompetence against her without probable cause. Asam further alleges that the State Bar is pursuing charges against her for improper reasons: because of charges by opposing attorneys, because of filing political cases, and because of her two unsuccessful campaigns against incumbent Circuit Judges. In addition, she contends that she has not been afforded copies of the complaints against her. Asam claims under 42

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1. The Court has done its best to comprehend Asam's unorganized and unclear complaint as well as her rambling and unhelful briefs. [shows bias]. The court has attempted throughout to give Asam the benefit of the doubt in construing her legal and factual allegations. [no discovery allowed].

U.S.C.A. § 1983 that she has been denied her right to freedom of expression under the first amendment and her due process rights under the fifth and fourteenth amendments. She also charges the defendants with a conspiracy under 42 U.S.C.A. § 1343(3) (West 1993). Asam also asserts supplemental state law claims. She seeks $50 million in damages.

Asam filed her original complaint on July 8, 1994. She filed a motion to amend her complaint on July 22, 1994. By order of August 8, 1994, that motion was granted. By further order of August 25, 1994, Asam's August 19, 1994 motion to amend her complaint a second time was granted. Asam moved to amend her complaint a third time on August 25, 1994. The court granted this motion on September 1, 1994. On September 23, 1994, Asam moved to amend her complaint a fourth time. The court granted this motion on September 26, 1994. It is the complaint as amended four times that represents the final version of Asam's claims.[2]

This cause is now before the court on a number of motions. There are ten motions by

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2. Asam moved to amend her complaint a fifth time on December 12, 1994. The court denied this motion on December 13, 1994.

the defendants to dismiss or for summary judgment: (1) Drake filed a motion to dismiss on July 14, 1994; (2) Hamner and Norris filed a motion to dismiss or motion for summary judgment on July 27, 1994; (3) the State Bar filed a motion to dismiss or motion for summary judgment on July 27, 1994; (4) Seale filed a motion to dismiss or motion for summary judgment on July 27, 1994; (8) Owens filed a motion for summary judgment on July 27, 1994; (5) Owens filed a motion to dismiss or motion for summary judgment on July 27, 1994; (6) Ellis filed a motion to dismiss on July 29, 1994; (7) Judge England filed a motion to dismiss on August 16, 1994; (8) Holmes filed a motion to dismiss or motion for summary judgment on August 29, 1994, (9) Gill filed a motion to strike on September 9, 1994, which court ordered treated as a motion to dismiss on September 20, 1994; (10) Ellis filed a motion for summary judgment on Nobember 30, 1994. Because Asam has had ample opportunity to submit evidence in this suit, the court treats all of these motions as motions for summary judgment.[3]

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3. Judge England, Ellis, Drake, and Gill are the only defendants who have not filed motions for summary judgment on the issues the court reaches. (Ellis's motion for

Additionally, Drake filed a motion for attorney's fees, costs, and sanctions on July 14, 1994. The State Bar, Seale, Owens, Norris, and Hamner filed a motion for sanctions, attorney's fees, and costs on July 27, 1994.

Asam has also filed a number of motions. On July 19, 1994, Asam filed, in one document, a motion objecting to the defendants' motion to dismiss, a motion for summary judgment, and a motion objecting to attorney's fees, costs, or sanctions being assessed against her. On July 27, 1994, Asam amended the July 19 motion. On August 5, 1994, Asam filed a motion objecting to Ellis's motion to dismiss. On August 8, 1994, Asam amended the August 5, motion. On

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summary judgment dealt with his death, an issue the court does not reach.) All four of these defendants have filed motions to Dismiss. Asam is not prejudiced by their failure to file motions for summary judgment. None of the § 1983 claims would survive a motion to dismiss. (false). As to the § 1985 claim, because all of the defendants are granted summary judgment on the same grounds, the court has applied Asam's evidentiary support regarding the defendants who moved for summary judgment to the rest of the defendants.

August 19, 1994, Asam filed a motion objecting to the defendants' motion for summary judgment. On August 25, 1994, Asam filed a motion objecting to Judge England's motion to dismiss. Most of these motions have previously been denied in orders of August 8, August 19, August 25, and September 1, 1994. The court now denies all outstanding motions by Asam.

The court next turns to the motions for summary judgment by the defendants. Rule 56 (c) of the Federal Rules of Civil Procedure provides that summary judgment is appropriate where "there is no genuine issue as to any material fact and ... the moving party is entitled to a judgment as a matter of law." Once the party seeking summary judgment has informed the court of the basis for its motion, the burden shifts to the non-moving party to demonstrate why summary judgment would be inappropriate. Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 106 S. Ct. 2548, 2252-53 (1986); see also Fitzpatrick v. City ofAtlanta, 2 F. 3d 1112, 1115-17 (11th Cir. 1983) (discussing how responsibilities on movant and nonmovant vary depending on who bears burden of proof at trial). There are probably many reasons why Asam's claims cannot survive summary judgment. The court

does not intend its discussion below to be taken as the exclusive means by which the defendants are entitled to prevail in this lawsuit.

The court begins by examining the constitutional claims, as enforced by 42 U.S.C.A. § 1983. There are three different categories of defendants. First, Judge England appears to be a defendant because of acions he took in his judicial capacity and within his jurisdiction while hearing a case. [Incorrect case was over and England was prematurely campaigning against Asam in conspiracy with Ellis as stated in this lawsuit and affidavit since England knew Asam was to be his political opponent in the judgship campaign in 1994]. Thus, he is immune from suit under Mireles v. Waco, 502 U.S. 9, 112 S. Ct. 286 (1991) (per curiam).

Second, the court turns to the Alabama State Bar and its defendants officials. The State Bar is entitled to immunity from damages under the eleventh amendment to the United States Constitution. The court reaches this conclusion because the eleventh amendments prohibits damage actions against state bars where the bar is an arm of the state court. Kaimowitz v. The Florida Bar, 996 F. 2d 1151, 1155, (11th Cir. 1993) (per curiam). The Alabama State Bar is an arm of

the Alabama Supreme Court. Foley v. Alabama State Bar, 648 F. 2d 355, 359 (5th Cir. June 19, 1981); Worley v. Alabama State Bar, 572 So. 2d 1239, 1242 (Ala. 1990; Board of Comm'rs of Alabama State Bar v. State ex rel. Baxley, 324 So. 2d 256, 262 (Ala. 1975). This eleventh amendment damage immunity extends to the State Bar defendants in their official capacities. Carr v. City of Florence, 916 F. 2d 1521, 1524 (11th Cir. 1990). It is unclear whether Asam has sued the State Bar officials in their individual capacities. If she has, defendants Seale, Owens, Holmes, Norris, and Hamner, as agents of the State Bar and The Alabama Supreme Court, are entitled to absolute immunity. See Carroll v. Gross, 984 F. 2d 392 (11th Cir.) (per curiam), cert. denied, ___ U.S. ___, 114 S. Ct. 204 (1993); Berger v. Cuyahoga County Bar Ass'n, 983 F. 2d 718, 721-22 (6th Cir.), cert. denied, ___ U.S. ___, 113 S. Ct. 2416 (1993). In any event, the defendants are entitled to qualified immunity in their individual capacities. Harlow v. Fitzgerald, 457 U.S. 800, 102 S. Ct. 2727 (1982); Rodgers v. Horsley, 39 F. 3d 308 (11th Cir. 1994) (per curiam). Hence, the State Bar officials are immune from damages in their individual and official capacities.

Third, as to the remaining defendants, to the extent they are sued merely because of personal actions towards Asam -- for instance false statements or testimony against her in court -- that do not stem from an involvement in the State Bar of any other state organization, they were not acting under color of state law as required by, among other decisions, Kentucky v. Graham,
473 U.S. 159, 166, 105 S. Ct. 3099, 3105 (1985). Asam has, if anything, a state-law claim against these defendants. Further, to the extent Asam brings a claim against any of the defendants for bringing disciplinary Procedure, which states as follows:
"Complaints submitted pursuant to these Rules or testimony with respect thereto shall be absolutely privileged, and no lawsuit predicated thereon may be instituted." [Not applicable in instant case because of constitutional violations].

Accordingly, all of the defendants are granted summary judgment on the first, fifth, and fourteenth amendment claims, as envorded by 42 U.S.C.A. § 1983.

The court now turns to the 42 U.S.C.A. § 1985 claim. It is not clear from Asam's complaint and supporting briefs which provision of § 1985 she alleges has been violated. Section 1995 outlaws five general types of conspiracies: "(a) the

performance of official duties by federal officers; (b) the administration of justice in federal courts; (c) the administration of justice in state courts; (d) the private enjoyment of 'equal protection of the laws' and 'equal privileges and immunities under the laws'; and (e) the right to support candidates in federal elections." Kush v. Rutledge, 460 U.S. 719, 724, 103 S. Ct. 1483, 1496-87 (1983). Because Asam has not made any allegations about federal officers, federal courts, or federal elections, the first, second, and fifth categories of § 1985 are not implicated. The court examines the third and fourth categories in turn.

The third category of § 1985 prohibits a conspiracy "for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws." [She
has claimed gender discrimination because male lawyers conspired to put her out of business as a lawyer].

The fourth category actually contains two clauses, a "deprivation" clause and a "hindrance" clause. Bray v. Alexandria Women's

Health Clinic, ___ U.S. ___, ___, 113 S. Ct. 753, 765 (1993.[4] The deprivation clause prohibits a conspiracy "for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws." 42 U.S.C.A. § 1985 (3). This claUse requires "some racial, or perhaps otherwise class-bassed, invidiously discriminatory animus behinc the conspirators' action." Griffin v. Breckenridge, 403 U.S. 88, 102, 91 S. Ct. 1790, 1798 (1971). The Supreme Court has not yet determined whether women qualify as a protected class under § 1985 (3). Bray, ___ U.S. at ___, 113 S. Ct. at 759. Even assuming they do, Asam has not produced evidence that presents an issue of fact as to whether the defendants acted out of animus towards her gender. [Evil-minded male lawyers who were the opposing lawyers or lawyers to opponents in her judgship campaigns is gender animus].

The hindrance clause prohibits a conspiracy "for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such state or Territory the equal protection of the laws." 42 U.S.C.A. §

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4. Kush did not make this distinction.

1985(3). Asam has not presented evidence that the defedants had the purpose of hindering state authorities. See Bray, ___U.S. at ___, 113 S. Ct. at 767. Nor has Asam presented evidence that there was a conspiracy to prevent state authorities from giving her equal protection of the laws.

Accordingly, the defendants are entitled to summary judgment on the § 1985 claims.

There are no federal claims left in this suit.

To the extent Asam asserts state-law claims, the court declines to exercise supplemental jurisdiction. 28 U.S.C.A. § 1367(c)(3); see also Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 348-50, 108 S. Ct. 614, 618-19 (1988).

Finally, the court turns to the defendants' motions for sanctions, attorney's fees, and costs. The court denies these motions as to sanctions and attorney's fees and grants them as to costs.

An appropriate judgment will be entered.

DONE, this the 3rd day of February, 1995.

s/ Myron Thompson

United States District Judge

APPENDIX E

IN THE DISTRICT COURT OF THE U.S.
MIDDLE DISTRCIT OF ALABAMA
Northern Division

Julia McCain Lampkin Asam,
Plaintiff,

v.

CV 94-T859 N

Alabama State Bar, et al.
Defendants

ORDER

Plaintiff Julia McCain Lampkin Asam filed on February 6, 1995 a motion to alter, amend, or vacate the court's memorandum opinion and judgment entered on February 3, 1995. Asam appears to allege that her inability to conduct discovery prejudiced her in submitting evidence that would have allowed her gender-based discrimination claims under 42 U.S.C.A. § 1985 (West 1994) tp sirvove summary. In her complaint, Asam seems to assert that defendant David Ellis, possibly in conjunction with other defendants, discriminated against Asam because she is a woman. (R 79) Accordingly, it is ORDERED that Asam present to the court by February 22, 1995, a precise description of the evidence she would like to discover to support her claims of gender based discrimination against Ellis and the other defendants. (Discovery not allowed, but latter evidence shown that Norris, General Counsel, now resigned, participated with the male lawyers in wrongfully disbarring Asam). In this response, Asam is only to discuss potential evidence regarding

why she was discriminated against because she is a woman. After receiving Asam's response to this order, the court will consider the motion filed February 6, 1995.

DONE, this the 8th day of February, 1995.

s/Nyron Thompson
United States District Judge

APPENDIX F

IN THE DISTRICT COURT OF THE U.S.
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISIN

Julia McCain Lampkin Asam
Plaintiff,

v. **CV 94T 859 N**

Alabama State Bar, et al.,
Defendants

ORDER

Plaintiff Julia Lampkin Asam charges in lawsuit that the defendants -- Alabama State Bar, three State Bar presidents, James R. Seale, John Owens, and Bronx Holmes, general counsel for the Bar, Robert W. Norris, Secetary of the Bar, Reginald Hamner, Tuscaloosa County Circuit Judge John H. England, Jr., David Ellis, Jack Drake, and Richard H. Gill -- have violated her rights under 42 U.S.C.A. § 1985 (West 1994) and the first, fifth and fourteenth amendments to the United States Constitution, as enforced by 42 U.S.C.A. § 1983 (West 1994).

This is one of those "kitchen-sink" cases in which the plaintiff has included almost every claim conceivable and sued almost everyone within reach. [Conspiracy of male lawyers either opposing lawyers and/or lawyers for opponents in judgship campaign because Asam first woman to run as circuit judge candidate in Tuscaloosa County, 1992]. Because it appeared from the outset that many, if not all, of Asam's claims might be meritless, the court immediately enjoined discovery so as not subject the defendants to unnecessary, costly, and harassing litigation.[1] The court then proceeded, in its memorandum opinion and judgment of February 3, 1995, to grant the defendants' motions for summary judgment on all of Asam's claims. This cause is now before the court on motion to alter, amend, or vacate that judgment, filed by

Asam on February 6, 1995 and amended on February 13 and February 27, 1995. For the reasons given below, the motion will be denied.

Asam raises a number of complaints about the court's February 3, opinion. The only complaint with any possible merit is that Asam's inability to conduct discovery pred-judiced her in submitting evidence that

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1. Order of august 8, 1994.

would have allowed her claims to survive summary judgment. [see R 79] With regard to the constitutional claims as enforced by 42 U.S.C.A. § 1983, the court noted in its earlier opinion that none of these claims would survive a motion to dismiss.[2] (false). Therefore, lack of discovery is not an issue as to these claims. (false). With regard to the gender-based discrimination claim under 42 U.S.C.A. § 1985, Asam raised a valid point that summary judgment might not be appropriate without some discovery. Accordingly, the court decided to revisit this claim.[3] Asam was allowed to submit any evidence she might have in support of her gender discrimination claim under 42 U.S.C.A. § 1985. The court also asked Asam to indicate what discovery she desired to obtain from the defendants on the issue of gender discrimination.

The Eleventh Circuit has held that there is not "an unlimited right to discovery prior to a hearing on motion for summary judgment." (in instant case no discovery allowed) Amey, Inc. v. Gulf Abstract & Title, Inc., 758 F. 2d 1486, 1506 (11th Cir. 1985), cert. denied, 475 U.S. 1107, 106 S Ct. 1513 (1986). Discovery should be

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2. Memorandum opinion of February 3, 1995, at 3 n.3.

3. Order of February 8, 1995.

terminated when it becomes clear it is unnecessary to develop the case and unlikely to create a genuine issue of material fact. Id., see also Patterson v. U.S. Postal Service, 901 F. 2d 927, 928 (11th Cir. 1990) (per curiam) (stay of discovery appropriate where court had sufficient information and discovery unlikely to produce issue of material fact). Although there is a difference between terminating discovery and never allowing it to begin, the analysis is the same.

Asam must show that discvery is necessary to develop the case or create an issue of fact for summary judgment. (see R 79). She does not have the right to engage in a fishing expedition. Van Arsdale v. Clemo,825 F. 2d 794, 798 (4th Cir. 1987). "A court may grant summary judgment despite an opposing party's claim that discovery would yield additional facts where the opposing party has not alleged specific facts that could be developed through such discovery, Taylor v. Gallagher, 737 F 2d 134, 137 (1st Cir. 1984). Despite the court's explicit request, Asam has been unable to specify any discoverable evidence pertaining to gender discrimination. All she did was make conclusory statements (false) that she was

discriminated against because of her gender.[4]

It is settled law that district courts have great discretion over discovery matters. E.g. Moore v. Armour Pharmaceutical Co., 927 F. 2d 1194, 1197 (11th Cir. 1991); Borden, Inc. v. Florida East Coast Ry., 772 F. 2d 750, 756 (11th Cir. 1985). As the Supreme Court has stated, "judges should not hesitate to exercise appropriate control over the discovery process." Herbert v. Lando, 441 U.S. 153, 177, 99 S. Ct. 1635, 1649 (1979). This control is based on the requirement of Rule 28(c) of the Federal Rules of Civil Procedure that courts "protect a party or person from annoyance, embarrasment, oppression, or undue burden or expense." The court exercised its discretion in this lawsuit to protect the defendants from discovery.[5]

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4. Once again, the court notes that it has had a difficult time understanding Asam's written responses. (bias). At this point in the lawsuit, Asam should be able to give a clear statement of what evidence, actual or potential, exists with regard to the gender discrimination claim.

5. Admittedly, Rule 37 of the Federal Rules

Asam has presented no reason (false,see R 79) after being given every opportunity, why discovery should now be allowed. It is appropriate, therefore, to proceed to the question of summary judgment,

Asam has specified no discoverable evidence and produced no evidence regarding whether the defendants intended to deny her equal protection of the laws,whether she attempted to enforce the equal protection of the laws, whether the defendants acted out of animus towards her gender, [deposition of Norris was not allowed], whether the defendants had the purpose of hindering

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of Civil Procedure provides for sanctions if a party abuses discovery. [No discovery was allowed therefore no abuse]. Rule 11, while inapplicable to discovery, does allow for sanctions generally. These sanctions are not a substitute for the authority of the court to control discovery. Indeed, it has been the court's experience that invoking these rules often has the perverse effect of rewarding, or playing into the hands of, litigious parties because the imposition of sanctions frequently results in prolonging the litigation and there is usually little likelihood the defendants will ever recover their litigation costs.

state authorities, or whether there was a conspiracy to prevent state authorities from giving her equal protection of the laws. Based on this lack of evidence and lack of potentially discoverable evidence, (false), as well as for the reasons stated in its earlier opinion, the court finds it is appropriate to grant summary judgment on Asam's claim under 42 U.S.C.A. § 1985. The court therefore reaffirms its memorandum opinion and judgment of February 3, 1995, granting summary judgment on all of Asam's claims.

Accordingly, it is ORDERED that the motion to alter, amend, or vacate that judgment, filed by plaintiff Julia McCain Lampkin Asam on February 6, 1995 and amended on February 13 and February 27, 1995, is denied.

DONE, this the 1st day of March, 1995.

s/ Myron Thompson
United States District Judge

Respectively submitted.
Julia McCain Lampkin Asam
Julia McCain Lampkin Asam, Ph.D., J.D.

Pro se, Attorney At Law

P.O. Box 591

Northport, Alabama 35476

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the above was sent to Mr. Philip S. Gidiere, Jr., Carpenter & Gildiere, 904 Union Bank Tower, 60 Commerce St., Montgomery, Ala. 36104, Mr. Anthony McLain, Alabama State Bar, P.O. Box 671, Montgomery, Ala. 36101, Mr. Jack Drake, P.O. Box 86, Tuscaloosa, Alabama 35403, Mr. Jeffery H. Long, Assist. Attorney General, 11 S. Union st., Montgomery, Ala. 36130, and Mr. Richard Gill, P.O. Box 347, Montgomery, Alabama 36101 this 12 day of Aug 1998.

Julia Asam